

## **REMARKS**

### **I. Status of the Application**

Following the above amendments, claims 2-10 and 17-21 are pending in this application. In the May 30, 2006 office action, the examiner rejected claims 2-10 and 17-21 under 35 U.S.C. § 102(b) as allegedly being anticipated by U.S. patent no. 5,066,906 to Moore (hereinafter "Moore").

In this response, applicants have amended claim 2. Applicants respectfully requests reconsideration of pending claims 2-10 and 17-21 in view of the foregoing amendments and the following remarks.

### **II. The Examiner's Final Rejection is Improper**

The examiner's final rejection in the May 30, 2006 Office action is improper. According to MPEP § 706.07(a), "second or any subsequent actions on the merits shall be final, except where the examiner introduces a new ground of rejection that is neither necessitated by applicant's amendment of the claims nor based on information submitted in an information disclosure statement filed during the period set forth in 37 CFR 1.97(c)."

In the present case, the examiner issued a first Office action on December 7, 2005. In this first Office action, the examiner rejected claim 17 under 35 U.S.C. § 103(a) as being unpatentable over Moore in view of U.S. Patent No. 5,364,290 to Hartman. Applicant responded to the 35 U.S.C. § 103(a) rejection of claim 17 in applicant's response of March 7, 2006. The examiner appears to have accepted applicant's arguments in the March 7, 2006 rejection, as the examiner set forth a new ground of

rejection in the second office action of May 30, 2006. In particular, in the second office action of May 30, 2006, the examiner appears to reject claims 17-20 under 35 U.S.C. § 102(b). Applicant respectfully notes that the ground for the rejection of claim 17 is actually unclear in the May 30, 2006 Office action. However, the rejection of claim 17 is clearly not a rejection under 35 U.S.C. § 103(a), as different grounds are provided for the rejection and only Moore is discussed with reference to the rejection. Accordingly, the examiner has set forth a new ground for rejection for claim 17 in the May 30, 2006 Office action. Applicant has not amended claim 17 and has submitted no additional information disclosure statement. Accordingly, the final rejection in the May 30, 2006 Office action is clearly improper under MPEP § 706.07(a).

As set forth in MPEP § 706.07, “the examiner should never lose sight of the fact that in every case the applicant is entitled to a full and fair hearing, and that a clear issue between applicant and examiner should be developed, if possible, before appeal.” As set forth above, the examiner has provided a new ground for rejection of claim 17 which was not necessitated by an amendment or an information disclosure statement. Accordingly, the final rejection of claim 17 is improper, and applicant respectfully requests withdrawal of the final rejection.

### III. Independent Claim 17

In the May 30, 2006 Office Action, the examiner rejected independent claim 17 under 35 U.S.C. § 102(b) as being anticipated by Moore. As provided in MPEP § 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros.*

*v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987).

“The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

In the examiner’s first office action of December 7, 2005, the examiner made the following admission: “Moore does not disclose the periphery [of the first housing] having an outward extending shoulder, the first housing also including at least one flexible extension extending at an angle from the first housing outward extending shoulder ... wherein the cover shoulder engages the first housing outward extending shoulder so as to urge the flexible extension toward the base plate.” The examiner has apparently reversed this position, as the Office action of May 30, 2006 appears to reject claim 17 as completely anticipated by Moore. Should the examiner maintain the rejection of claim 17, Applicant respectfully requests clarification of these contradictory statements in the Office actions of December 7, 2005 and May 30, 2006.

In addition to the above, Applicant respectfully traverses any rejection under 35 U.S.C. § 102(b), as the Moore reference does not disclose all the limitations of claim 17 as claimed by the examiner in the May 30, 2006 Office action. For example, the Moore reference does not disclose “at least one flexible extension extending at an angle from the first housing outward extending shoulder”. An exemplary embodiment of these limitations is shown in Fig. 13 of the drawings and described in the specification on page 21, line 11 to page 22, line 18.

In the May 30, 2006 Office Action, the examiner referenced the front cover 22 of

Moore as the “base plate” that supports elements 225 and 228 as well as blades 28 and 32 (see page 3, lines 18-19). However, the front cover 22 of Moore does not support “meter blades” as would be understood by those in the art. Applicant fails to see how the LCD array 28 and connector strip 32 of Moore could possibly be considered “meter blades”. Conductors 12 of Moore could be considered “blades,” but they are certainly not retained by the front cover 22.

In addition to the above, the examiner cites the front cover 22 of Moore and its side panels 237 as providing “a first housing ... having an outward extending shoulder”. The examiner then cites the connector strip 32 as the “at least one flexible extension extending at an angle from the ... outward extending shoulder”. However, the connector strip 32 of Moore does not extend from the side panels 237. Accordingly, the elements of Moore cited by the examiner do not disclose “a first housing ... having an outward extending shoulder ... including at least one flexible extension extending at an angle from the ... outward extending shoulder” as required by claim 17.

Another example of an element of claim 17 not disclosed by Moore is that of “the cover shoulder engag[ing] the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate.” The examiner is invited to explain how the examiner’s proposed “cover shoulder” (elements 302, 303) urges the flexible member 32 toward the base plate. While the elements 302, 302 may retain the front cover 22 and the rear cover 24, there is no disclosure in Moore of such elements urging the flexible member 32 toward the base plate. Accordingly, Moore also does not disclose a “cover shoulder engag[ing] the first housing outward extending shoulder so as to urge the flexible extension toward and against the base plate,” as required by claim 17.

As set forth in the foregoing paragraphs, Moore fails to disclose all elements of the claimed invention. In addition, Moore does not disclose the “identical invention” in as “complete detail” as is contained in claim 17. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Furthermore, Moore fails to disclose the elements arranged in a fashion as required by the claim. *See In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990). Accordingly, Moore fails to anticipate claim 17 under 35 U.S.C. § 102(b), and the examiner’s rejection of claim 17 should be withdrawn.

#### IV. Independent Claim 2

In the May 30, 2006 office action, the examiner rejected independent claim 2 under 35 U.S.C. § 102(b) as being anticipated by Moore. Claim 2 has now been amended.

As provided in MPEP § 2131, “A claim is anticipated only if each and every element as set forth in the claim is found, either expressly or inherently described, in a single prior art reference.” *Verdegaal Bros. v. Union Oil Co. of California*, 814 F.2d 628, 631 USPQ2d 1051, 1053 (Fed. Cir. 1987). “The identical invention must be shown in as complete detail as is contained in the ... claim.” *Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). In addition, the elements must be arranged as required by the claim. *In re Bond*, 910 F.2d 831, 15 USPQ2d 1566 (Fed. Cir. 1990).

The Moore reference does not disclose all the limitations of amended claim 2. For example, with respect to claim 2, the Moore reference does not disclose a “display

receptacle including retention members operable to retain the liquid crystal display ... the retention members including at least two opposing sidewalls in contact with the liquid crystal display ... [and] a rib extending across at least a portion the display receptacle, the rib configured to define a slot between the rib and one of the two opposing sidewalls with the slot configured to retain the flexible conductor device in a predetermined position within the receptacle”. An embodiment of this limitation is shown in Figs. 9 and 10a, and described on pages 19-20 of the present application.

In the May 30, 2006 Office action, the examiner cited reference numeral 229 of Moore as disclosing “a rib extending across at least a portion of the display receptacle ...” as required by claim 2. Applicant respectfully submits that projection 229 of Moore does not contact the flexible conductor device and is therefore not configured to retain the flexible conductor device within the receptacle. Instead, the projection 229 of Moore is configured to contact the LCD array 28 and act as a stop for the LCD array when resting within the support ledges 226. Accordingly, the projection 229 of Moore can not be considered the rib of applicant’s claim 2. Furthermore, there is no rib in Moore that is “configured to define a slot between the rib and one of the two opposing sidewalls” of the display receptacle as set forth in amended claim 2.

Moore does not include all the limitations of claim 2 for at least the reasons discussed in the preceding paragraph. Additional limitations are also missing from Moore. Furthermore, Moore does not disclose the “identical invention” in as “complete detail” as is contained in claim 2. *See Richardson v. Suzuki Motor Co.*, 868 F.2d 1226, 1236, 9 USPQ 2d 1913, 1920 (Fed. Cir. 1989). Also, Moore fails to disclose the elements arranged in a fashion as required by the claim. *See In re Bond*, 910 F.2d 831,

15 USPQ2d 1566 (Fed. Cir. 1990). Accordingly, Moore fails to anticipate claim 2 under 35 U.S.C. § 102(b), and the examiner's rejection of claim 2 should be withdrawn.

V. Dependent Claims 3-10 and 18-20

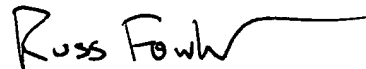
Dependent claims 3-10 and 18-20 depend from and incorporate all the limitations of either independent claim 2 or independent claim 17. As set forth above, it is respectfully submitted that independent claims 2 and 17 are allowable. Accordingly, it is respectfully submitted that dependent claims 3-10 and 18-20 are also allowable for at least the same reasons that independent claims 2 and 17 are allowable, as well as other reasons. Moore does not disclose all the limitations of dependent claims 3-10 or 18-20, and the examiner's rejection of dependent claims 3-10 and 18-20 under 35 U.S.C. § 103 should also be withdrawn.

VI. Conclusion

For all of the foregoing reasons, it is respectfully submitted the applicant has made a patentable contribution to the art. Favorable reconsideration and allowance of this application is therefore respectfully requested.

In the event applicant has inadvertently overlooked the need for an extension of time or payment of an additional fee, the applicant conditionally petitions therefore, and authorizes any fee deficiency to be charged to deposit account 13-0014.

Respectfully submitted,



Russell E. Fowler II  
Attorney Registration No. 43,615

Please address correspondence to:

Harold C. Moore  
Maginot Moore & Beck  
Chase Tower  
111 Monument Circle, Suite 3250  
Indianapolis, Indiana 46204-5115

Telephone: (317) 638-2922  
Facsimile: (317) 638-2139  
Email: hcmoores@maginot.com